

State of Montana
Office of the State Public Defender
PRE-APPROVAL OF CLIENT COSTS POLICY

1. The following policy shall apply to the pre-approval of client costs in all cases involving salaried (FTE), contract and conflict attorneys, including appellate cases. Conflict attorneys are attorneys assigned cases identified as conflict cases by the Regional Deputy Public Defender (RDPD).
2. Client costs, hereinafter called costs, shall be defined as all monies to be expended in the preparation, investigation and litigation of public defender cases. A task shall be defined as work performed by a nonattorney in the preparation, investigation and litigation of a public defender case.
3. All attorneys must have pre-approval of any cost exceeding \$200 per task in all cases. Contract and FTE attorneys must obtain pre-approval of costs from the RDPD assigning the case. In cases where the contract or FTE attorney seeks pre-approval of a cost for a task exceeding \$2000, the RDPD must contact the Central Office to obtain pre-approval.

Conflict attorneys must obtain pre-approval of costs exceeding \$200 per task from the Conflict Manager. The Conflict Manager is authorized to approve costs exceeding \$2000. Send requests to Eric Olson, 610 N. Woody, Missoula MT 59802.

Appellate attorneys must obtain pre-approval of costs exceeding \$200 per task from the Chief Appellate Defender. The Chief Appellate Defender is authorized to approve costs exceeding \$2000. Send requests to James Wheelis, P.O. Box 200145, Helena MT 59620-0145

4. The pre-approval process shall commence with the completion of the Request for Pre-approval of Client Costs form by the attorney assigned to the case. The request shall include the attorney's name, case name and OPD case number, the task and the task giver's name, the estimated cost of the task and a brief justification of the task and cost. The form must be signed and dated by the requesting attorney and forwarded to the appropriate person for approval (RDPD, Conflict Manager or Chief Appellate Defender). The RDPD, Conflict Manager or Chief Appellate Defender shall review the request and shall explore alternative, fiscally responsible options with the attorney before approving or denying said request by checking the appropriate box on the form and then signing and dating the same.

The original form is to be retained by the person approving or denying the request and a copy thereof forwarded to the requesting attorney.

In non-conflict cases, if the request exceeds \$2000, the RDPD must certify that they have reviewed the request, explored alternative, fiscally responsible options with the requesting attorney and must include a recommendation to approve or deny the request, sign and date the form and forward the same to the Central Office via fax, attention Larry Murphy

(406/496-6098). The Central Office shall approve or deny the request by checking the appropriate box on the form and then signing and dating the same. The form will be returned by fax to the RDPD, who should retain the same and forward a copy of the finalized form to the requesting attorney. A copy will also be retained by the Central Office.

5. The original pre-approval forms are to be used to track the pre-approved costs, and are to be attached to the claim form when they are forwarded to the Central Office for final payment.
6. The assigned attorney is responsible for keeping the pre-approved costs **within the pre-approved amount**. He or she must be familiar with the task being provided and the cost of the task as funds are being expended. If costs are anticipated to exceed the pre-approved amount, the task must be resubmitted for approval of the new amount.